

भारत का राजपत्र The Gazette of India

असाधारण

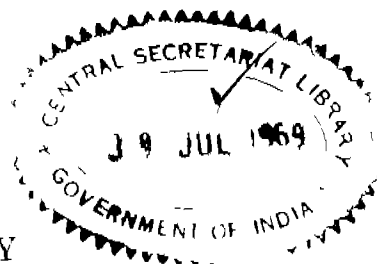
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



पृ० 8] नई दिल्ली, बृहस्पतिवार, फरवरी 27, 1969/फाल्गुन 8, 1890
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a
Separate Compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th February, 1969:—

I

BILL No. II of 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1 This Act may be called the Constitution (Amendment) Act, Short title, 1969.

2 In the Eighth Schedule to the Constitution,—

(a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively, and

(b) before entry “10” as so re-numbered, the entry “9. Nepali.” shall be inserted

Amend-
ment
of Eighth
Schedule

STATEMENT OF OBJECTS AND REASONS

Nepali is a daughter language of Sanskrit. The Nepali script is definitely Indian, as there is no difference between the Nagari script used for modern Hindi and the script used for modern Nepali. Bengali and Nepali languages have very close affinity.

1961 Census Report shows that there are 8,07,615 Nepali-speaking people in India. The actual figure might be much higher, as Nepali is one of the dominant languages of the lower Himalayan and sub-Himalayan regions. As a matter of fact, Nepali is a kind of *lingua franca* used widely through the Himalayan area.

It is, therefore, in the fitness of things that this language should be added to the Eighth Schedule of the Constitution.

Hence this Bill.

CHITTA BASU

II

BILL No. III OF 1969

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1969. Short title.

43 of 1951.

2. Section 11 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), shall be omitted.

Omission of section 11.

3. Section 11B of the principal Act shall be omitted.

Omission of section 11B.

4. In section 81 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 81.

“(2) An election petition may also be presented within forty-five days from, but not earlier than, the date of election of the returned candidate, by an officer empowered by the Election Commission in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.”

STATEMENT OF OBJECTS AND REASONS

Previously election petitions were tried by Election Tribunals appointed by the Election Commission. This power of trial of election petitions has now been taken out from the Election Commission and has been given to the High Courts and the Supreme Court. Under section 80A of the Representation of the People Act, 1951, the court having jurisdiction to try an election petition is the High Court and an appeal from every order made by the High Court under section 98 or section 99 of the Representation of the People Act, 1951, lies to the Supreme Court. It seems improper therefore that the Election Commission should continue to be vested with power for removing any disqualification or reducing the period of such disqualification which a person may incur as a result of a judgment of a High Court or of the Supreme Court. Clauses 2 and 3 of the proposed Bill seek to omit the sections which empower the Election Commission to remove any disqualification or reduce the period of such disqualification.

2. Under the existing law, an election petition calling in question any election may be presented by any candidate at such election or by any elector. One of the grounds on which an election may be challenged is the ground of corrupt practice. There have been of late a large number of election petitions on the ground of corrupt practices and in quite a few cases the Supreme Court has set aside elections on this ground. This is an unhappy development and should rightly cause concern to all those interested in free and fair elections. In the electoral rules under the old Government of India Act, there were provisions which enabled an officer authorised by the Governor-General in Council to file an election petition on the ground of corrupt practice. The very existence of a provision of this nature may itself serve as an effective deterrent against corrupt practice. Clause 4 of the proposed Bill seeks to insert a provision accordingly with the change that any officer authorised in that behalf by the Election Commission may also file an election petition challenging a particular election on the ground of corrupt practice.

A. D. MANI.

B. N. BANERJEE,
Secretary.